



Consultation, IA <consultation@bia.gov>

1076-AF18 suggestion for fairness in BIA recognition process1 message

Mike Ford <choctaw70ison@yahoo.com>

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Reply-To: Mike Ford <choctaw70ison@yahoo.com>

To: "consultation@bia.gov" <consultation@bia.gov>

21, 2013

&n bsp; August

TO: BUREAU OF INDIAN AFFAIRS

FROM: MIKE FORD

I've already sent you a proposal on making criteria for terminated tribes that the BIA and the US Congress can work on.

I'm commenting twice because as someone whose studied tribal recognition since the mid 1990's I and many others know of historical injustices against specific tribes. Why not bring the injustices into the light and do the right thing.

Firstly, if petitioners have been the victims of historical malfeasance acknowledge and fix the wrongs.

Firstly, return federal recognition to the Miami Tribe of Indiana. Since when was a legal action by the US

Justice Department and a BIA employee, Mr. Devanter in the late 1890's, considered part of the plenary power of the US Congress over Indian Affairs to make treaties or agreements, recognize tribes, or terminate the federal recognition of tribes? it's not part of their powers and this event never should've happened. Previously there was a US Supreme Court Case, *Kansas Indians*, of 1872. It was really about a Shawnee man, Charles BlueJacket, and his action to stop the Johnson County, Kansas tax commissioners from taxing his Shawnee allotment from an 1854 treaty. Mr. BlueJacket won and his allotment was considered Indian Country and non taxable known today as Title 18, Section 1151, parts a, b, and c, or Indian Country defined. The local and state governments in Indiana around the Missisniewa Reserve spent most of the 19th century trying to harass the remaining Miami people out of Indiana by illegally taxing Miami lands. The Miami in Kansas and Oklahoma were subjected to harassment by squatter's associations in Kansas after signing their *Manypenny* Treaty in 1854. The Indiana Miami Tribe was still acknowledged in this 1854 treaty by the US Government. The Indiana Miami Tribe was told by Mr. Devanter to move to Indian Territory with their Miami relatives or lose federal recognition and in 1897 this tragedy occurred. These people were declared US citizens against their will for the purposes of taxation. They've pursued justice for 116 years now. Do the right thing.

Acknowledge the damages done by paper genocide in states like Virginia and Alabama during Jim Crow that has made federal recognition problematic if not impossible for tribes like the Monacan and Mowa Choctaw tribes. I had a half hour full volume argument on my phone with a staffer of US Senator Tom Coburn's over the continued tabling of the Virginia Tribal Recognition Act for the Powhattan Confederacy Tribes and the Siouan Monacan Tribe due to the problems created by Mr. Plecker and the Racial Integrity Act of 1924. This staffer wasn't aware of these circumstances that weren't of the Monacan's doing. These actions were just part and parcel of being a "colored" person in a state that legally denied the existence of Indians in Virginia with the stroke of a pen and fake eugenics science. This was during the period when Indians in Virginia were called mongrels or issues as a slur and a Tutelo descendant, Carrie Buck, was legally sterilized due to the Integrity Act and US Supreme Court said this act

was legally
allowed. This was also during the time when Choctaw/Cherokee/Creek descendants
were called
"Cajans" and many of not all of their birth certificates were left blank in the race box in
Mobile
and Washington County, Alabama. Do the right thing.

Stop the "abusing the victim" actions that have been taken against the Narragansett Tribe
concerning
the Carcieri US Supreme Court ruling. Was it possible for the Narragansett Tribe to be
recognized
in 1934? no. They were wards of the State of Rhode Island who sold off their tribal lands
in 1880 illegally
in violation of the Indian Non Intercourse Act of 1790 which led to the Land Claim
Settlement Act
of 1978 for this tribe. When Supreme Courts and Government Agencies conveniently
ignore the
treacherous acts that led to many Eastern Tribes having tribal lands illegally taken without
an
act of the US Congress it makes it easier to beat on the victims of colonial land theft and
forget
that many of these tribes couldn't sue to recover their lands and gain federal recognition
from
the 1790's to the 1970's. This history and the aftermath of City of Sherrill V. Oneida Indian
Nation
and the disregard of history and legal precedence makes my head explode. I waited to
confront
SCOTUS Justice Roberts about this when he spoke at the Lied Center at the University
of Kansas
a couple of years ago. Take into account the tragedies of history against certain tribes
and stop
using the omission of this history in denying these tribes justice.

Lastly, create a criteria for tribes like the Apalachee Tribe of Louisiana. The racism they
experienced

in the 19th and most of the 20th century made it impossible for them to have paper
records. I read

where a tribal member was dragged into court over miscegenation laws in the mid 20th
century

and had to state they were Indian in court. This also happened to a Mowa Choctaw
member back then.

I can look at Mr. Gilmer Bennett and know he's Apalachee Indian. I grew up at Jonesville,
LA, in the

mid 1970's north of Alexandria, LA, and Libuse, LA, and near the Jena Band of Choctaw
Indians.

Even then this area was racist. If there are external conditions (Jim Crow, Segregation,
Racial Integrity

Laws) that interfere with a petitioning tribe historically, acknowledge it. Don't use it

against them

like what was done with the Mowa Choctaw people and the Virginia tribes. Make the politicians understand this.

There are tribes like the Chinook and Schagticoke, the Duwamish and Honey Lake Maidu, who deserve

justice. Do the right thing and take the politics out of it and let the rules be applied and the truth be told.

People like Mr. Richard Blumenthal have done enough to Indian Country. Bring justice and fairness

back to the federal recognition process.

Sincerely,

Mike Ford

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